

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CHARLIE FLENTROY

§

VS.

§

CIVIL ACTION NO. 9:13cv296

RICK THALER, ET AL.

§

MEMORANDUM OPINION AND ORDER

The court previously entered a Final Judgment dismissing this lawsuit. Plaintiff subsequently filed a notice of appeal and a motion seeking leave to proceed *in forma pauperis* on appeal.

Under 28 U.S.C. § 1915(g), prisoners are prohibited from proceeding *in forma pauperis*, either at the district court level or on appeal, if at least three of their prior lawsuits or appeals have been dismissed as frivolous or malicious, or for failing to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Prior to the date on which plaintiff filed his notice of appeal, courts had dismissed at least three lawsuits or appeals filed by plaintiff as frivolous or for failure to state a claim.¹ Plaintiff has not demonstrated he was in “imminent danger of serious physical injury” on the date he filed his notice of appeal. Accordingly, Section 1915(g) bars plaintiff from proceeding with his appeal on an *in forma pauperis* basis.

ORDER

For the reasons set forth above, plaintiff’s motion to proceed *in forma pauperis* on appeal is **DENIED**.

So **ORDERED** and **SIGNED** this **5** day of **May, 2014**.



Ron Clark, United States District Judge

¹ *Flentroy v. Lamb*, No. 9:11cv21 (E.D. Tex. May 24, 2011) (dismissed as frivolous and for failure to state a claim), *aff’d* No. 11-440717 (5th Cir. Apr. 23, 2012) (appeal dismissed as frivolous); *Flentroy v. Oliver*, No. 9:11cv7 (E.D. Tex. Feb. 28, 2011) (dismissed as frivolous and for failure to state a claim).